IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. APPLICATION NO.14 OF 2004

Smt. Vanita Bhikaji Jadhav .. Applicant

vs.

Bhikaji Kalya Jadhav .. Respondent.

Shri Ashok Toraskar, Advocate for the Appellant.

None for the Respondent.

CORAM : A.S.OKA, J.

DATED : 29th March, 2005.

P.C. :

1. Office noting shows that the Respondent is served. None appears for the Respondent. No reply is filed.

2. The Applicant is the wife and the Respondent is the husband. The Respondent has filed a petition for divorce against the Applicant which is pending in the family Court at Bandra, Mumbai. The Applicant has filed an application for enhancement of maintenance under section 127 of the Code of Criminal Procedure, 1973 and for

modification of earlier order passed in the maintenance proceeding.

3. The Applicant is the resident of Rajapur in district Ratnagiri. The Applicant has stated that it is difficult for her to undertake travelling for attending the petition filed by the Respondent in the family Court at Mumbai. She is not in a position to undertake travelling.

4. As held by the Apex Court in matters like this the convenience of wife is to be seen and hence case of transfer is made out. For the convenience of both the parties, it is necessary to transfer the application under section 127 of the Code of Criminal Procedure, 1973 made by the applicant to the Court at Ratnagiri.

5. Hence I pass the following order:

i) Petition No.A-1650 of 2004 pending in the family Court at Bandra, Mumbai is transferred to the Court of the Civil

Judge, Sr. Division, at Ratnagiri.

ii) The Criminal Case No.16 of 2000 filed by the Applicant which is pending in the Court of Judicial Magistrate, Ist Class, at Rajapur is also transferred to the Court of Civil Judge, Sr. Division at Ratnagiri, who is empowered to exercise powers of Judicial Magistrate, Ist Class.

iii) The learned District Judge Ratnagiri will ensure that both the matters are assigned to one and same Judge.

iv) The Civil Court will communicate the date assigned in both the proceedings to the parties in this application.

. Parties to act on the authenticated copy of this order.

(A.S.Oka, J.)